IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UN	IITED STATES OF AMERICA)) 0.00CB 470		
	Plaintiff,) 8:08CR479)		
vs.)) DETENTION ORDER		
MA	ARTIN MARQUEZ,))		
	Defendant.	<i>)</i>		
A.	. Order For Detention After conducting a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on January 8, 2009, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).			
B.	conditions will reasonably assure the	because it finds: nce that no condition or combination of appearance of the defendant as required. to condition or combination of conditions		
C.	distribute methamphetam carries a minimum sent maximum of forty years ir (b) The offense is a crime of (c) The offense involves a na	nd includes the following: e offense charged: to distribute and possess with intent to ine (Count I) in violation of 21 U.S.C. § 846 ence of five years imprisonment and a mprisonment. violence.		
	may affect wheth The defendant hat X The defendant hat X The defendant hat X The defendant is The defendant defendant of the series. Y The defendant hat X The defendant hat	of the defendant including: ppears to have a mental condition which her the defendant will appear. as no family ties in the area. as no steady employment. as no substantial financial resources. not a long time resident of the community. oes not have any significant community he defendant: as a history relating to drug abuse. as a history relating to alcohol abuse. as a significant prior criminal record. has a prior record of failure to appear at s.		

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		Release pending trial, sentence, appeal or completion of sentence.
	(c)	Other Factors:
	(0)	X The defendant is an illegal alien and is subject to
		deportation.
		The defendant is a legal alien and will be subject to
		deportation if convicted.
		 X The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other:
X (4)		nature and seriousness of the danger posed by the defendant's se are as follows: The nature of the charges in the Indictment.
X (5)	Pohii	ttable Presumptions
<u> </u>		ttable Presumptions ermining that the defendant should be detained, the Court also relied
		following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e)
		the Court finds the defendant has not rebutted:
X		That no condition or combination of conditions will reasonably
	(~)	assure the appearance of the defendant as required and the safety
		of any other person and the community because the Court finds that
		the crime involves:
		(1) A crime of violence; or
		(2) An offense for which the maximum penalty is life
		imprisonment or death; or
		X (3) A controlled substance violation which has a maximum
		penalty of 10 years or more; or
		(4) A felony after the defendant had been convicted of two
		or more prior offenses described in (1) through (3)
		above, <u>and</u> the defendant has a prior conviction for one
		of the crimes mentioned in (1) through (3) above which
		is less than five years old and which was committed
		while the defendant was on pretrial release.
X (b) That no condition or combination of conditions will reasonal		
		assure the appearance of the defendant as required and the safety
		of the community because the Court finds that there is probable
		cause to believe:
		X (1) That the defendant has committed a controlled
		substance violation which has a maximum penalty of
		10 years or more.
		(2) That the defendant has committed an offense under 18
		U.S.C. § 924(c) (uses or carries a firearm during and in
		relation to any crime of violence, including a crime of
		violence, which provides for an enhanced punishment
		if committed by the use of a deadly or dangerous
		weapon or device).

D. Additional Directives

- Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

 1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
 - The defendant be afforded reasonable opportunity for private consultation with counsel; and

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3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: January 8, 2009. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge